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HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation

Joint Petition to Ensure Interoperability of 9-1-1 Emergency Calling Systems
CC Docket No. 94-102; RM-9343

Dear Ms. Salas:

AT&T Wireless Services, Inc. ("AT&T") is submitting this letter to express its views on issues related to the August 4, 1998 petition of the Texas Advisory Commission on State Emergency Communications, the Greater Harris County 9-1-1 Emergency Network, Tarrant County 9-1-1, Denton County 9-1-1, Bexar County 9-1-1, and the National Association of State Nine-One-One Administrators (collectively "Joint Petitioners") regarding the interoperability of 911 Emergency Calling Systems.[1/] Joint Petitioners have asked the Commission to establish a proceeding to investigate 911 interoperability issues and problems that have resulted from a lack of interoperability.

Joint Petitioners base their request for regulatory action on hypothetical scenarios and speculative concerns.[2/] As described more fully below, there is substantial evidence that the

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1/ Public Notice, Petition by Joint Petitioners to Ensure Interoperability of 9-1-1 Emergency Calling Systems, RM 9343, DA 98-1652 (rel. Aug. 18, 1998).

2/ Even the commenters that support Commission action do not claim that they have experienced any actual interoperability problems. See, e.g., Comments of MCI WorldCom, Inc. at 2, RM 9343 (Sept. 18, 1998) (stating that the Commission should investigate whether there are potential 911 network interoperability issues); Comments of APCO at 2, RM 9343 (Sept. 18, 1998) (agreeing with Joint Petitioners that interoperability for 911 networks is a critical matter that requires further investigation).

various existing wireless 911 solutions are entirely compatible. The Joint Petition does, however, highlight a serious problem that AT&T has encountered as it attempts to roll out Phase I E-911 service across the country: in the absence of clear guidance from the FCC, PSAPs will continue to claim a role in determining the choice of E-911 technology. To avoid this unnecessary complication, the Commission should clarify that a wireless carrier may utilize the technical solution that the carrier believes best enables it to meet the Commission's requirements for wireless E-911 service.

Carriers and PSAPs must work together to ensure that the technology employed by a carrier can deliver identifying and location information to the PSAP, but this shared responsibility for ensuring the performance of an E-911 system does not give the PSAP the authority to prescribe a particular E-911 technology for the carrier. While PSAPs are and should be concerned with the outcome of E-911 implementation – i.e., their receipt of usable, enhanced information about 911 callers – PSAPs should not be concerned with the method by which a wireless carrier chooses to capture and provide this information to them. This does not mean that every carrier will necessarily receive full funding for whatever E-911 technology it chooses to deploy. Each carrier should be entitled to a reasonable share of the total funds available for E-911 deployment, however, perhaps on a per-subscriber basis. If necessary, PSAPs and carriers should work cooperatively to seek additional funds to implement Phase II.

While there is no need to examine "interoperability" issues, there are impediments to the deployment of Phase I E-911 service that the Commission can and should address. These include some PSAPs' insistence on a call-path associated signaling ("CAS") solution for Phase I -- leading PSAPs to delay requests for Phase I even where wireless carriers can deliver Phase I using other technology -- and the ongoing refusal of certain incumbent local exchange carriers ("ILECs") to provide access to their ALI databases.

The foregoing points are discussed in greater detail below.

1. Wireless Carriers Should Be Allowed to Choose E-911 Technology.

There is increasing disagreement over the Commission's intent regarding who may choose the appropriate E-911 technical solution. Growing numbers of PSAPs and PSAP organizations have interpreted the Commission's E-911 Order as allowing PSAPs to choose between various methods for providing E-911 and compel all carriers to use that solution within their jurisdiction. Wireless carriers, by contrast, believe the E-911 Order allows wireless carriers to utilize one consistent technical solution throughout their service areas as long as the chosen technology meets the Commission's requirements and fully complies with relevant technical standards.

The Joint Petition is a prime example of what PSAPs should not be doing, i.e. attempting to micromanage wireless E-911 implementation at the network level. AT&T is willing to work with PSAPs to determine the form of the information they will receive from AT&T and the point in the 911 network at which they receive it. AT&T – and not the PSAP – is the entity that should determine the best way to get the information to that point, within reasonable cost limits.[3/] If PSAPs are permitted to force wireless carriers to conform to the PSAPs' technology choice, the result will be the "balkanization" of wireless 911 systems, rather than the development of seamless national systems that the Commission contemplated. If wireless carriers are required to offer different technical solutions in multiple service areas, they will lose the benefits of scale economies and the costs of E-911 compliance will be higher for all carriers and their customers. Moreover, it is the carrier that knows its own network best and can most effectively assess the appropriate technology to comply with the Commission's rules.[4/] Rather than addressing the Joint Petitioners' hypothetical interoperability problems, the Commission should clarify that wireless carriers, not PSAPs, may choose among the various methods for providing E-911 services.

2. Joint Petitioners Seek to Impose a Particular Technology Solution on Carriers.

Under the guise of interoperability concerns, Joint Petitioners seek to impose a particular technology solution on carriers. For example, although wireless Phase I E-911 solutions based on Centralized Automated Message Accounting ("CAMA") protocols have been successfully implemented in various jurisdictions throughout the country,[5/] Joint Petitioners now contend that

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[3/] PSAPs should not be able to use cost recovery as an indirect means of dictating the technology a carrier may use. While there must be limits on the amount of funds a carrier may receive for E-911 deployment – to avoid incentives for gold-plating – a carrier must be permitted to choose the appropriate technology and to recover its reasonable costs. Where existing funding has been inadequate, AT&T has supported PSAPs' requests for legislative authority to impose additional E-911 surcharges on wireless customers to ensure adequate funding.

[4/] AT&T already has first-hand experience with the problems that can arise from PSAP insistence on use of a particular technology. In Minnesota, PSAPs insisted that carriers use a technology that increased the time for 911 call set-up from the "Phase 0" status quo of six seconds, to 14 or 15 seconds. AT&T worked with the State for six months in an attempt to convince the State to permit AT&T to choose the most effective technology. Because no agreement is expected, AT&T has reverted to "Phase 0" routing.

[5/] AT&T has successfully implemented Phase I E911 service based upon the 8-digit CAMA protocol in Colorado Springs, Aspen-Pitkin County, and Teller County, Colorado, and Portland, Washington County, Willamette Valley, North Marion County, Santiam County, and Clackamus County, Oregon.

"[m]any members of the 9-1-1 community [] believe that 8-digit [CAMA] protocols for 9-1-1 network and 9-1-1 CPE cannot cost-effectively, efficiently, and appropriately meet the 9-1-1 challenges raised by today's telecommunications environment."[6/]

Even if the significant investments carriers have made toward this approach thus far were put aside, there is simply no basis for Joint Petitioners' belief that a CAMA-based solution is inferior to other E-911 solutions. Indeed, AT&T adopted a wireless Phase I solution based on an 8-digit CAMA protocol specifically to eliminate the need for upgraded PSAP equipment. By minimizing the burden of E-911 implementation on PSAPs, AT&T has assumed a leadership position in making E-911 service available to wireless consumers nationwide. In light of AT&T's success in fulfilling the Commission's objectives, there does not appear to be any benefit to revisiting whether this solution will be capable of meeting the demands of the telecommunications marketplace. All available evidence shows that it is working appropriately, cost effectively, and efficiently.

Similarly, there is no merit to Joint Petitioners' suggestion that to solve "current and future 9-1-1 telecommunications challenges," the CPE and network upgrades generally associated with call-path associated signaling ("CAS") solutions for Phase I E-911 must be completed.[7/] Such a proposal amounts to a requirement for implementing Phase I using CAS rather than non-call path associated signaling ("NCAS") methodologies. Although there are benefits and detriments to both CAS and NCAS, AT&T decided, after considerable study, to use an NCAS solution for wireless E-911 precisely because it is capable of responding to changes in the telecommunications marketplace.[8/] As a carrier, AT&T is obviously aware of issues such as "NPA relief, rate center consolidation, and Local Number Portability"[9/] and it has dozens of engineers and operations personnel working to resolve the interoperability problems raised by such matters. AT&T not only engineered its wireless solution to be compatible with all PSAP equipment today, it also established separate data trunks to ensure that PSAPs will be able to interconnect with AT&T's E-911 system well into the future. This may not be the case when carriers that have selected a CAS method send information such as call back numbers, cell site

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[6/] Petition at 4.

[7/] Id. at 5.

[8/] There are two methods for implementing NCAS. The first uses dynamic automatic location information ("ALI") database updates to "push" information into the LEC's ALI databases. The second method uses "steering" to pull information from those LEC databases. In order to use either method, the LEC must allow the wireless carrier to access its ALI database.

[9/] Petition at 5.

coordinates, and on-going position updates over the voice path. In addition, unlike CAS, NCAS provides a robust platform for the transition to wireless Phase II E-911 implementation.[10/]

The Joint Petitioners purport to be concerned about interoperability problems when different E-911 approaches are utilized by different wireless carriers within a PSAP's jurisdiction, but they have not demonstrated that such interoperability problems actually exist. To the contrary, the CAS and NCAS methodologies have proven to be completely compatible in areas where both technologies have been implemented. For example, the Phase I wireless E-911 trial currently being conducted by the California Department of General Services and the California Highway Patrol ("CHP") in Los Angeles demonstrates that NCAS and CAS solutions can operate side-by-side in the same PSAP without disruption. The success of the Los Angeles trial demonstrates that PSAPs have an important role in bringing all interested parties to the table. It is significant, however, neither Los Angeles nor CHP officials attempt to preclude carriers from choosing the most appropriate technical solutions for their networks and customers.

3. Current Barriers to the Implementation of Phase I Wireless E-911 Service.

PSAP Delay Until a CAS-Based Solution is Available. The Joint Petitioners' flawed arguments on the advantages of CAS-based E-911 solutions highlight a broader problem that has slowed the deployment of Phase I wireless E-911 service. A substantial number of the PSAPs that have chosen not to request Phase I E-911 implementation appear to be awaiting LEC development of CAS-based systems – even though AT&T and other carriers are ready now with a NCAS solution for Phase I. Unlike CAS, moreover, NCAS does not require expensive upgrades to PSAP CPE and ILEC networks. The PSAP community, which argued strongly against any delay in the Commission's Phase I timetable, is now the cause of that delay through its refusal to trigger implementation of Phase I until ILECs are ready with their solution.[11/]

AT&T devoted substantial resources to ensuring that it was able to satisfy the Commission's Phase I E-911 implementation mandate by the April 1, 1998 deadline. AT&T's wireless solution is available nationwide today, is compatible with the wireline 911 infrastructure and other E-911 solutions, does not require PSAPs to purchase new equipment, and provides for a transition to Phase II E-911 deployment. There is simply no basis for the Joint Petitioners' request to initiate an inquiry into the relative merits of AT&T's solution as compared with CAS solutions (as yet unavailable in many areas of the country). Rather, the Commission should

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[10/] While some database modifications are necessary for the NCAS approach known as "steering," such modifications often are already in place in areas where multiple LECs operate.

[11/] At the same time, several states imposed surcharges on wireless customers, even though the overwhelming majority of PSAPs in those states have not requested deployment of Phase I service. These states include Texas and New York.

encourage PSAPs to request Phase I implementation expeditiously by clarifying its rules on technology choice, especially in those states that have begun assessing surcharges on wireless customers.

Interconnection and Database Access. Another barrier to the nationwide implementation of Phase I wireless E-911 service is the refusal of certain ILECs to permit wireless carriers to interconnect with their systems or access their ALI database in order to use an NCAS solution.[12/] For example, SBC Communications, Inc. ("SBC") has determined that it will not allow dynamic updates of its ALI database, despite the fact that SBC's decision prevents AT&T from providing Phase I service in the five states within SBC's service areas.[13/]

SBC's refusal to allow AT&T to access their bottleneck 911 facilities, particularly their ALI databases, are preventing AT&T from providing Phase I E-911 service. SBC's actions frustrate the Commission's goal of rapid, efficient deployment of wireless E-911 service.[14/] The Commission should make it clear that LECs cannot deny interconnection or access to databases that is necessary for wireless carriers to provide wireless E-911 services.[15/]

Conclusion

The intervention requested by the Joint Petitioners would needlessly delay the provision of Phase I E-911 service to the public. As the Multimedia Telecommunications Association points out in its comments on the Joint Petition, "the industry and the 9-1-1 community have

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[12/] As set forth above, both methods for implementing NCAS require LECs to permit wireless carriers to access their ALI databases.

[13/] See Letter from Thomas Ratliff, Director - External Affairs, AT&T Wireless Services, Inc., to Ron Huelsing, Director - Project Management, SBC Communications Inc. (May 8, 1998) (describing outstanding issues surrounding Phase I E-911 implementation in Texas). SBC may be motivated in part by a desire to delay AT&T's implementation of Phase I E-911 service until SBC's competing Phase I solution is in place.

[14/] See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, Memorandum Opinion and Order, FCC 97-402, Separate Statement of Chairman William Kennard (rel. Dec. 23, 1997) (affirming the Commission's commitment to the rapid implementation of technologies needed to bring emergency help to wireless callers throughout the United States).

[15/] Cf. Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, 11 FCC Rcd 15499 at ¶¶ 478, 484, 493, 516, 534 (requiring incumbent LECs to provide access to databases as unbundled network elements).

been particularly active in the development of standards. Government action to replace private sector activity with federally imposed regulations that dictate the design of equipment could adversely affect innovation in equipment design."[16/] Instead of devoting resources to conduct an unwarranted investigation of "interoperability," the Commission should ensure the rapid, efficient provision of E-911 service to the Nation's wireless consumers by clarifying that wireless carriers may choose the technology that best allows them to meet the Commission's requirements, thus encouraging PSAPs to request Phase I implementation; and stating expressly that ILECs cannot deny wireless carriers interconnection or access to databases that is necessary for wireless E-911 service.

Pursuant to section 1.1206(b)(1) of the Commission's rules, an original and one copy of this letter are being filed with the Office of the Secretary. Copies of the letter are also being served on the Commission personnel listed below.

Sincerely,

Douglas I. Brandon /mm

Douglas I. Brandon

cc: Daniel Phythyon
Steve E. Weingarten
John Cimko
Kathleen O'Brien-Ham
Nancy Boocker
Barbara Reideler
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[16/] Comments of the Multimedia Telecommunications Association, RM 9343 (Sept. 18, 1998). See also Comments of Northern Telecom, RM 9343 (Sept. 18, 1998) ("regulatory intervention at too early a stage could seriously inhibit the free market process, and could unfairly bias the development of important technology options").